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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:) PACA Docket No. D-03-0008
)
 King Sol Produce Corp.,)
)
 Respondent) Decision Without Hearing
) By Reason of Default

Preliminary Statement

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a et seq.) (the PACA), instituted by a Complaint signed on January 13, 2003, by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture, and received by the Hearing Clerk on January 14, 2003.

The Complaint alleges that during the period April 1999 through August 1999, King Sol Produce Corp., Respondent, through its Director, Louis Solomon, made illegal payments to a USDA inspector in connection with 12 federal inspections of perishable agricultural commodities which Respondent purchased from eight sellers in interstate or foreign commerce.

A copy of the Complaint was served upon Respondent by certified mail on April 10, 2003, at the following address: King Sol Produce Corp., c/o Goodie Brand Packing Corp., P.O. Box 129, Ft. Lee, New Jersey 07024. Respondent did not answer the Complaint. The time for filing an Answer having expired, and upon the motion of the Complainant for the issuance of a Decision Without Hearing by Reason of Default, the within Decision is issued without further investigation or hearing pursuant to section 1.139 of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted By The Secretary (7 C.F.R. § 1.139), hereinafter referred to as the "Rules of Practice".

Findings of Fact

(1) King Sol Produce Corp., Respondent, is a New York corporation that had the following business and mailing address: New York City Terminal Market, Sec B, Unit 223, Hunts Point Terminal Market, Bronx, New York 10474; and the following forwarding address: c/o Goodie Brand Packing Corp., P.O. Box 129, Ft. Lee, New Jersey 07024.

(2) At all times material herein, Respondent was licensed under the provisions of the PACA. License number 921420 was issued to Respondent on June 30, 1992. This license terminated on June 30, 2001 pursuant to Section 4(a) of the PACA (7 U.S.C. § 499d (a)), when Respondent failed to pay the required annual renewal fee.

(3) The Secretary of Agriculture has jurisdiction over Respondent and the subject matter herein.

(4) During the period April 1999 through August 1999, Respondent, through its Director, Louis Solomon, made illegal payments to a USDA inspector in connection with 12 federal inspections of perishable agricultural commodities which Respondent purchased from eight sellers in interstate or foreign commerce. The illegal payments were made on or about the dates and in the transactions set forth below:

Inspection Date	Certificate Numbers	Shipper	Commodity
04/22/99	K-679802-9	Whitworth Sales	Plum Tomatoes
04/22/99	K-679803-7	Teixeira Farms	Cauliflower & Romaine
06/04/99	K-766509-4	East Coast Brokers	Tomatoes & Cherry Tomatoes
06/28/99	K-767636-4	Teixeira Farms	Romaine
06/28/99	K-767637-2	Paul Steinberg	Cantaloupes
06/28/99	K-767638-0	Paul Steinberg	Honeydew Melons
07/27/99	K-769386-4	Dynasty Farms	Mixed Vegetables
07/27/99	K-769387-2	Teixeria Farms	Lettuce
08/09/99	K-770157-6	Top Katz Brokers	Mangoes
08/09/99	K-770158-4	Delfino Marketing	Limes
08/10/99	K-770163-4	Delfino Marketing	Limes
08/12/99	K-770174-1	Wm Rosenstein	Cantaloupes

(5) On April 11, 2001, a judgment was entered in the United States District Court, Southern District of New York, in which Respondent's Director, Louis Solomon, pled guilty to one count of bribery of a public official, in connection with the transactions set forth in Finding of Fact No. 4 above, in violation of 18 U.S.C. 201 (b)(1). See United States v. Louis Solomon, Case number 99 CR1096-01 (S.D. N.Y. April 11, 2001).

Conclusions

King Sol Produce Corp.'s (Respondent's) illegal payments to a USDA inspector in connection with 12 federal inspections of perishable agricultural commodities which Respondent purchased from eight sellers in interstate or foreign commerce as set forth in Finding of Fact Nos. 4, and 5 above, constitute willful, flagrant and repeated violations of Section 2(4) of the Perishable Agriculture Commodities Act (the PACA) (7 U.S.C. § 499b(4)) during April 1999 through August 1999. Accordingly, the Order below is issued.

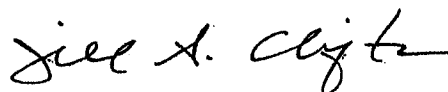
Order

(1) King Sol Produce Corp., Respondent, has committed willful, flagrant and repeated violations of Section 2(4) of the PACA (7 U.S.C. § 499b(4)), and the facts and circumstances of the violations shall be published.

(2) This order shall take effect on the 11th day after this Decision becomes final. This Decision becomes final without further proceedings 35 days after service unless appealed to the Judicial Officer by a party to the proceeding within 30 days after service, as provided in sections 1.139 and 1.145 of the Rules of Practice (7 C.F.R. §§ 1.139 and 1.145).

Copies of this Decision shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.
this 31 day of October, 2003



Jill S. Clifton
Administrative Law Judge

Hearing Clerk's Office
U.S. Department of Agriculture
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